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SENATE BILL 299

46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003

INTRODUCED BY

Allen V. Hurt

AN ACT

RELATING TO MEDICAL ASSISTANCE; PROVIDING FOR RECOVERY OF ONE HUNDRED PERCENT OF MEDICAL ASSISTANCE PAYMENTS WHEN A THIRD PARTY IS LIABLE; AMENDING A SECTION OF THE NMSA 1978.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 27-2-23 NMSA 1978 (being Laws 1969, Chapter 232, Section 1) is amended to read:

"27-2-23. THIRD PARTY LIABILITY. --

A. The ~~[health and social services]~~ department shall make reasonable efforts to ascertain any legal liability of third parties who are or may be liable to pay all or part of the medical cost of injury, disease or disability of an applicant for or recipient of medical assistance pursuant to the provisions of Chapter 27 NMSA 1978.

B. When the department makes medical assistance

1 payments [~~in~~] on behalf of a recipient, the department is
2 subrogated to any right of the recipient against a third party
3 for recovery of one hundred percent of the medical expenses [~~to~~
4 ~~the extent that~~] for which the department has made payment. "

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underscored material = new
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